

**BEFORE THE ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD
OF THE STATE OF CALIFORNIA**

AB-8386

File: 20-409300 Reg: 04058029

JEROMY JONES, et al., Appellants/Protestants

v.

RANI E H ENTERPRISES, LLC dba Oaks Market & Deli
9266 Carlton Oaks Drive, Santee, CA 92071,
Respondent/Applicant

and

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Dept. Hearing: Rodolfo Echeverria

Appeals Board Hearing: November 3, 2005
Los Angeles, CA

ISSUED DECEMBER 29, 2005

Jeromy Jones, Charles Stevens, Judi Stevens, and Rick Stevens,
(appellants/protestants) appeal from a decision of the Department of Alcoholic
Beverage Control¹ which granted the application of Rani E H Enterprises, LLC, doing
business as Oaks Market & Deli (respondent/applicant) for an off-sale beer and wine
license.

Appearances on appeal include appellants/protestants Jeromy Jones, Charles
Stevens, Judi Stevens, and Rick Stevens, appearing in pro. per.; respondent/applicant
Rani E H Enterprises, LLC, appearing through its counsel, William W. Winship, Jr.; and
the Department of Alcoholic Beverage Control, appearing through its counsel, John W.

¹The decision of the Department, dated December 30, 2004, is set forth in the
appendix.

Lewis.

FACTS AND PROCEDURAL HISTORY

Applicant petitioned for issuance of an off-sale beer and wine license after protests were filed against its original application. The Department investigator recommended that the license be issued.

An administrative hearing was held on November 9, 2004, at which time oral and documentary evidence was received. Department Licensing Investigator Patricia Schmidt described the investigation she conducted concerning the application, and her decision to recommend that the license be granted. Several of the protestants testified, as well as other residents in the area, describing the reasons for their opposition to the license. Their major concerns were the addition of a third seller of alcoholic beverages on the intersection of Carlton Oaks Drive and Carlton Hills Boulevard, the resulting potential for loitering by transients, and traffic and safety concerns.

Subsequent to the hearing, the Department issued its decision which overruled appellants' protests, dismissed the protests of the protestants who did not appear, and allowed the license to issue.

DISCUSSION

Written notice of the opportunity to file briefs in support of the appellants' position was given on July 18, 2005. No brief has been filed by appellants. We have reviewed the notice of appeal and have found insufficient assistance in that document which would aid in review.

The Appeals Board is not required to make an independent search of the record for error not pointed out by appellants. It was the duty of appellants to show to the Appeals Board that the claimed error existed. Without such assistance by appellants,

the Appeals Board may deem the general contentions waived or abandoned. (*Horowitz v. Noble* (1978) 79 Cal.App.3d 120, 139 [144 Cal.Rptr. 710] and *Sutter v. Gamel* (1962) 210 Cal.App.2d 529, 531 [26 Cal.Rptr. 880, 881].)

We have reviewed the record and find no reason to overturn the decision of the Department.

ORDER

The decision of the Department is affirmed.²

FRED ARMENDARIZ, CHAIRMAN
SOPHIE C. WONG, MEMBER
TINA FRANK, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

² This final decision is filed in accordance with Business and Professions Code §23088 and shall become effective 30 days following the date of the filing of this final decision as provided by §23090.7 of said code.

Any party may, before this final decision becomes effective, apply to the appropriate district court of appeal, or the California Supreme Court, for a writ of review of this final decision in accordance with Business and Professions Code §23090 et seq.